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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,002	05/01/2001	Hyung-Chul Kim	678-600 (P9393)	4813

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EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,002

Applicant(s)

KIM, HYUNG-CHUL

Examiner

Le Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "editing *the menu configuration* by newly" in line 26 of page 15 and "the edited menu configuration" in line 1 of page 16. There are insufficient antecedent basis for these limitations in the claim.

Claim 6 recites the limitation "the selected submenus" in line 28 of page 15. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear to which submenu(s) the limitation is referring.

Claim 7 recites the limitation "the menu configuration stored" and "the title" in line 8 of page 16 as well as "the user" in lines 5 and 9 of page 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. ("Smith", US 5,923,327).

As per claim 6, Smith teaches a method for editing a main menu configuration in a mobile telephone comprising: displaying a menu edit screen, if a menu edit submenu is selected; displaying a menu configuration submenu, if a menu configuration edit submenu is selected; editing the menu configuration by newly selecting submenus of the menu configuration submenu; inputting titles of the selected submenus and storing the edited menu configuration in the name of a title input by the user (figs. 8(A-D) and 10 and respective portions of the embodiment).

As per claim 7, the modified method of Smith and Smethers teaches a method for editing a main menu configuration in a mobile telephone comprising displaying the menu configuration titles edited by a user, if a menu configuration select submenu is selected on the menu edit screen and changing the main menu configuration displayed on a display of the mobile telephone to a menu configuration stored in a name of a title selected by a user (figs. 7-10; col. 6, line 65 through col. 8, line 10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ("Smith", US 5,923,327) in view of Smethers (US 6,463,304 B2).

As per claim 1, Smith teaches a method for changing a menu icon in a mobile telephone, the method comprising:

downloading menu icon data from a web server connected to a network (col. 11, lines 15-16 and col. 6, lines 61-62);

converting the menu icon data to icon form suitable for a display of the mobile telephone and storing the converted menu icon data as menu icons (figs. 6 and 8-10; col. 6, lines 59-64);

upon receipt of an icon set change request from a user, displaying a set of the stored icons (col. 7, lines 26-27 and lines 48-49); and

displaying desired ones of a set of the menu icons by selection of the user on a main menu screen (col. 7, lines 51-52).

Smith does not explicitly disclose the web server connected to an IP network. Smethers teaches a method comprising a mobile telephone wherein the mobile telephone is coupled to a server connected to an IP network (col. 5, lines 14-18). Therefore, it would have been obvious to an artisan at the time of the invention to include Smether's mobile telephone wherein the mobile

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telephone is coupled to a server connected to an IP network to Smith's mobile telephone wherein the mobile telephone is coupled to a server connected to an communications network in order to provide users with an implementation preference.

As per claim 2, the modified method of Smith and Smethers teaches a method for changing a menu icon in a mobile telephone wherein in the downloading step, the menu icon data downloaded from the web server is transmitted to an SMS center and the SMS center transmits the menu icon data together with SMS data to the mobile telephone through a base station transceiver subsystem (BTS) (Smith: col. 11, lines 10-14).

As per claim 3, the modified method of Smith and Smethers teaches a method wherein the menu icon data is segmented into a plurality of SMS data before transmission and is reassembled into original menu icon data at the mobile telephone (Smith: figs. 6 and 8-10; col. 4, lines 64-67; col. 11, lines 15-16 and col. 6, lines 61-62; col. 7, line 26 through col. 8, line 10).

As per claim 4, the modified method of Smith and Smethers teaches a method for changing a menu icon in a mobile telephone comprising editing a main menu screen configuration by selecting desired ones of icons stored in a database, downloading the selected menu icon data through a cable or wireless LAN connected between the database and the mobile telephone and changing the downloaded menu icon data to prescribed menu icons displayed on a main menu screen (Smethers: col. 5, lines 14-18; Smith: col. 7, line 26 through col. 8, line 10; col. 11, lines 12-16; col. 8, lines 22-23; col. 6, lines 40-44; i.e., *editing a main menu screen configuration by selecting desired ones of icons stored in a database as CLID or CLID and EBC data wherein changing the downloaded menu icon data to prescribed menu icons displayed on a main menu screen is inherent given that users are able to view the data*).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ("Smith", US 5,923,327) in view of Smethers (US 6,463,304 B2) as applied in claim 1

As per claim 5, although the modified teaching of Smith and Smethers teaches a method for changing a menu icon in a mobile telephone wherein the mobile telephone is coupled to an IP network and is in communication with a computer and wherein the editing comprises accessing and selecting menu icons and editing the menu screen configuration using the menu icons stored in a computer database, the modified Smith and Smethers does not explicitly disclose that the menu icons are selected and downloaded from an icon providing Web site using a personal computer. Official Notice is taken that selecting and downloading menu icons from an icon providing Web site using a personal computer is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include selecting and downloading menu icons from an icon providing Web site using a personal computer to the modified teaching of Smith and Smethers wherein selection and downloading of menu icons stored in a computer database in order to provide users with an alternative source for downloading data.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ("Smith", US 5,923,327) in view of Kenagy et al. ("Kenagy", US 5,842,124)

As per claim 8, Smith teaches a method for editing a main menu configuration in a mobile telephone comprising access to a menu edit submenu and displaying the menu edit submenu. Smith does not explicitly disclose an edit submenu wherein prior to accessing the menu edit submenu, users are requested to input an input lock code wherein determination is made whether the inputted lock code is identical to a prescribed lock code to display the menu edit submenu. Kenagy teaches a mobile telephone users may designate a password to

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correspond with a different storage area or correspond to varying levels of programming access (col. , lines ; *i.e. a first password permitting user access only to the user-programmable system parameter storage area 130 while a second password may permit user access to the semi-permanent system parameter storage area 128 in addition to the user-programmable system parameter storage area*). Therefore, it would have been obvious to an artisan at the time of the invention to include Kenagy's teaching of a mobile telephone users may designate a password to correspond with a different storage area or correspond to varying levels of programming access to Smith's method for editing a main menu configuration in a mobile telephone in order to provide a user with a method that prevents selected content from being over-written.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Handel et al. (US 6,195,651 B1) teach a system, method and article of manufacture for a tuned user application experience.

Stewart et al. (US 2002/0169818 A1) teach a method and apparatus for efficient storage and retrieval of objects in and from an object storage device.

Sugiarto et al. (US 6,278,449 B1) teach an apparatus and method for designating information to be retrieved over a computer network.

Austin (US 6,259,908 B1) teaches a method of limiting access to the data stored in a cellular telephone.

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Ketcham et al. (US 6,609,197 B1) teach a method and system for secure emergency access to network devices.

Sato et al. (US 5,852,656) teach an electronic conference system and conference server apparatus.

Makel et al. (US 5,586,050) teach remotely controllable LNG field station management system and method.

Shirai (US 5,828,956) teaches programmable cellular telephone and system.

Nicolas et al. (US 6,593,944 B1) teach displaying a Web page on an electronic display device having a limited display area.

Wagner et al. (US 6,169,911 B1) teach a GUI for a portable telephone.

Safai et al. (US 6,167,469) teach a digital camera having display device for displaying graphical representation of user input and method for transporting the selected digital images thereof.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

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(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
November 19, 2003



STEVEN SAX
PRIMARY EXAMINER